

# HOUSE BILL No. 1535

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-11-2-14; IC 35-45-2-2.

**Synopsis:** Harassment. Makes it harassment, a Class B misdemeanor, for a person to, with intent to harass, annoy, defame, ridicule, or alarm another person but with no intent of legitimate communication: (1) make a telephone call, whether or not a conversation ensues; (2) communicate with a person by telegraph, mail, or other form of written communication; (3) transmit an obscene message, or indecent or profane words, on a Citizens Radio Service channel; or (4) use a computer network, a cellular or other wireless communications device, or other form of electronic communication to: (A) communicate with a person; (B) transmit an obscene message or indecent or profane words to a person; or (C) convey to a third person or post on the Internet a digital image or video of the other person that depicts the other person in a state of nudity or engaged in sexual conduct. Provides that if a person is convicted of harassment, the victim of the offense: (1) has a civil cause of action against the convicted person; and (2) may recover actual damages, equitable relief, including injunctive relief, punitive damages, reasonable attorney's fees and court costs, and any other relief a court considers proper from the convicted person in the civil action.

**Effective:** July 1, 2015.

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January 20, 2015, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1535

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 34-11-2-14 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 14. A civil action brought under IC 35-45-2-2(c)**  
4 **against a person convicted of harassment must be brought in**  
5 **accordance with the time limitations set forth in IC 35-45-2-2(c).**  
6       SECTION 2. IC 35-45-2-2 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. (a) A person who,  
8 with intent to harass, annoy, **defame, ridicule**, or alarm another person  
9 but with no intent of legitimate communication:  
10       (1) makes a telephone call, whether or not a conversation ensues;  
11       (2) communicates with a person by telegraph, mail, or other form  
12       of written communication;  
13       (3) transmits an obscene message, or indecent or profane words,  
14       on a Citizens Radio Service channel; or  
15       (4) uses a computer network (as defined in IC 35-43-2-3(a)), **a**



**cellular or other wireless communications device, or other form of electronic communication to:**

(A) communicate with a person; ~~or~~

(B) transmit an obscene message or indecent or profane words to a person; **or**

**(C) convey to a third person or post on the Internet a digital image or video of the other person that depicts the other person:**

(i) in a state of nudity (as defined in IC 35-45-4-1(d)); or

(ii) engaged in sexual conduct (as defined in IC 35-42-4-4(a)(4));

commits harassment, a Class B misdemeanor.

(b) A message is obscene if:

(1) the average person, applying contemporary community standards, finds that the dominant theme of the message, taken as a whole, appeals to the prurient interest in sex;

(2) the message refers to sexual conduct in a patently offensive way; and

(3) the message, taken as a whole, lacks serious artistic, literary, political, or scientific value.

**(c) If a person is convicted of an offense under subsection (a), the victim of the offense:**

(1) has a civil cause of action against the person convicted of the offense; and

(2) may recover the following from the person in the civil action:

(A) Actual damages.

(B) Equitable relief, including injunctive relief.

(C) Punitive damages.

(D) Reasonable attorney's fees and court costs.

(E) Any other relief a court considers proper.

**An action under this subsection must be brought not more than two (2) years after the date the person is convicted of the offense under subsection (a).**

